

REMARKS

Claims 1-2, 4, 6, 8, 13-16, 18-21 and 48-53 are now presented for examination. Claims 1, 4, 6, 8, 18 and 20 have been amended. Claims 48-53 have been added. Claims 3, 5, 7, 9-12, 17, and 22-24 have been cancelled. Claim 1 is independent.

On page 2 of the Office Action, Claims 1, 3, 4, 6, 8, 11, and 19-24 are rejected under 35 U.S.C. §102(e) as being anticipated by Gilbert, US Patent No. 6,961,622. To anticipate a claim, a reference must disclose each and every element of the claim.

Amended independent Claim 1 recites, in part, “a microcontroller programmed to selectively provide: a first treatment intensity having a first duty cycle, a second treatment intensity having a second duty cycle, and a third treatment intensity having a third duty cycle.” Gilbert fails to disclose any duty cycle whatsoever, let alone a microcontroller having three programmed duty cycles. Accordingly, the rejection is unsupported by the art and a withdrawal is respectfully requested.

On page 3 of the Office Action, Claim 2 is rejected under 35 U.S.C. §103(a) as being unpatentable over Gilbert (‘622) in view of Silverstone, US Patent No. 6,351,674. Claim 2 depends from amended independent Claim 1, and recites additional limitations which, in conformity with the features of its corresponding independent claim, are not disclosed or suggested by the art of record. The dependent claim is therefore believed patentable.

On page 3 of the Office Action, Claims 5, 7, and 9 are rejected under 35 U.S.C. §103(a) as being unpatentable over Gilbert (‘622) in view of Reiss, US Patent No. 5,549,656. Claims 5, 7, and 9 have been cancelled, rendering the rejection moot.

On page 4 of the Office Action, Claim 12 is rejected under 35 U.S.C. §103(a) as being unpatentable over Gilbert ('622) in view of Beggs, US Patent No. 6,917,293. Claim 12 has been cancelled, rendering the rejection moot.

On page 5 of the Office Action, Claim 13 is rejected under 35 U.S.C. §103(a) s being unpatentable over Gilbert ('622) in view of Liss et al., US Patent No. 5,851,223. Claim 13 depends from amended independent Claim 1, and recites additional limitations which, in conformity with the features of its corresponding independent claim, are not disclosed or suggested by the art of record. The dependent claim is therefore believed patentable.

On page 5 of the Office Action, Claims 14 and 15 are rejected under 35 U.S.C. §103(a) as being unpatentable over Gilbert ('622) in view of Thomas, US Patent No. 5,107,835. Claims 14 and 15 depend either directly or indirectly from amended independent Claim 1, and recite additional limitations which, in conformity with the features of their corresponding independent claim, are not disclosed or suggested by the art of record. The dependent claims are therefore believed patentable.

On page 6 of the Office Action, Claims 16 and 17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Gilbert ('622) in view of Dilorenzo, US Patent Application Publication No. 2003/0018367. Claim 17 has been cancelled, rendering its rejection moot. Claim 16 depends from amended independent Claim 1, and recites additional limitations which, in conformity with the features of its corresponding independent claim, are not disclosed or suggested by the art of record. The dependent claim is therefore believed patentable.

On page 6 of the Office Action, Claim 18 is rejected under 35 U.S.C. §103(a) as being unpatentable over Gilbert ('622) in view of Zilber, US Patent No. 3,822,708. Claim 18 depends

from amended independent Claim 1, and recites additional limitations which, in conformity with the features of its corresponding independent claim, are not disclosed or suggested by the art of record. The dependent claim is therefore believed patentable.

For all of the above reasons, the claim objections are believed to have been overcome placing Claims 1-2, 4, 6, 8, 13-16, 18-21 and 48-53 in condition for allowance, and reconsideration and allowance thereof is respectfully requested.

The Examiner is encouraged to telephone the undersigned to discuss any matter that would expedite allowance of the present application.

The Commissioner is hereby authorized to credit overpayments or charge payment of any additional fees associated with this communication to Deposit Account No. 502104.

Respectfully submitted,

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